
ENGROSSED SENATE BILL 5409

State of Washington

54th Legislature

1995 Regular Session

By Senators Owen and Oke

Read first time 01/23/95. Referred to Committee on Natural Resources.

1 AN ACT Relating to compensation for injured fish and wildlife
2 enforcement officers; and adding new sections to chapter 77.12 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.12 RCW
5 to read as follows:

6 (1) The director shall relieve from active duty full-time,
7 commissioned fish and wildlife personnel who, while in-service, have
8 been or may be injured or disabled to such an extent as to be incapable
9 of active duty.

10 (a) Any full-time, commissioned fish and wildlife personnel injured
11 or disabled while performing in-service line duties who is found by the
12 department of labor and industries to be incapable of active duty shall
13 be placed on temporary injury leave for a period not to exceed six
14 months from the date of injury or the date the person is determined to
15 be incapacitated. During this period, the full-time, commissioned fish
16 and wildlife personnel is entitled to all pay, benefits, insurance,
17 leave, and retirement contributions awarded to a full-time,
18 commissioned fish and wildlife personnel on active status, less any
19 compensation received through the department of labor and industries.

1 No such temporary injury leave may be approved until a full-time,
2 commissioned fish and wildlife personnel has been unavailable for
3 active duty for more than five consecutive work days. Prior to the end
4 of the six-month period, the director shall either place the full-time,
5 commissioned fish and wildlife personnel on disability status or return
6 the full-time, commissioned fish and wildlife personnel to full-time
7 employment status;

8 (b) Benefits under this section for an injury or disability that is
9 incurred while in other employment must be reduced by any amount the
10 full-time, commissioned fish and wildlife personnel receives or is
11 entitled to receive workers' compensation, social security, group
12 insurance, other pension plan, or any other similar compensation
13 provided by another employer for the same injury or disability;

14 (c) Full-time, commissioned fish and wildlife personnel on
15 disability status shall receive one-half of their compensation at the
16 existing wage during the time the disability continues in effect, less
17 any compensation received through the department of labor and
18 industries. They shall be subject to mental or physical examination at
19 any state institution or otherwise under the direction of the director
20 at any time during such relief from duty to ascertain whether or not
21 they are able to resume active duty;

22 (d) Should a disability beneficiary whose injury or disability was
23 incurred while performing in-service nonline duties engage in a gainful
24 occupation, the director shall reduce the amount of the disability
25 compensation to an amount which, when added to the compensation earned
26 by the beneficiary in such occupation, does not exceed the basic salary
27 currently being paid for the state civil service range and step the
28 full-time, commissioned fish and wildlife personnel held at the time he
29 or she was injured or disabled. Every six months, all such disability
30 beneficiaries shall file with the director a signed and sworn statement
31 of earnings, and any person who knowingly swears falsely on such
32 statement is subject to prosecution for perjury. Should the earning
33 capacity of the beneficiary be further altered, the director may
34 further alter the disability allowance as indicated in this subsection.
35 The director may cancel the disability allowance for a full-time,
36 commissioned fish and wildlife personnel who does not file the required
37 statement of earnings or who knowingly files a false statement of
38 earnings;

1 (e) A full-time, commissioned fish and wildlife personnel injured
2 while engaging in willfully tortious or criminal conduct is not
3 entitled to any benefits under this section.

4 (2) The director shall define by rule the situations in which full-
5 time, commissioned fish and wildlife personnel are on active duty, in-
6 service, are performing line duty, or are performing nonline duty.

7 (3) A person receiving disability compensation under this section
8 shall become ineligible to receive that compensation upon becoming
9 eligible for retirement under the applicable plan of the Washington
10 public employees' retirement system, chapter 41.40 RCW.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.12 RCW
12 to read as follows:

13 Section 1 of this act does not apply to persons who were fisheries
14 patrol officers employed prior to March 1, 1994.

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